REMARKS

In the interest of expediting prosecution, Applicants hereby cancel claims 10-15. As such, claims 1-9 are all the claims pending in the application.

Claims 1, 4-6 and 9 are amended. Support for the claim amendments can be found throughout the specification.

Specifically, support for the claim amendments to claims 1 and 6 can be found at least at page 3, line 23-page 4, line 3, page 4, line 10-page 5, line 15, page 8, line 15-page 9, line 23, and Examples 2-7.

Claims 4 and 5 are amended to depend only from claim 1.

Claim 9 is amended to depend only from claim 6.

Accordingly, no new matter has been introduced by these amendments to claims.

I. Preliminary Matters

Applicants thank the Examiner for acknowledging the claim for foreign priority and confirming receipt of the certified copy of the priority document.

In the Office Action Summary, however, it appears that the Examiner inadvertently did not mark an acceptance of the drawings filed on April 17, 2006. Applicants respectfully request that the Examiner indicate acceptance of the drawings in the next action.

II. Objection to Specification

The Examiner objects to the abstract because the present abstract contains more than 150 words.

In response, Applicants have amended the abstract to contain less than 150 words.

III. Objection to Claims

Claims 4, 5, 9, 13, 14 and 15 are objected to under 37 C.F.R. 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim.

In response, Applicants have amended claims 4, 5 and 9 to delete their dependency from multiple dependent claims.

IV. Claim Rejection Under 35 U.S.C. § 112

Claims 10 and 11 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Without agreeing with the Examiner's assertion, Applicants have canceled claims 10 and 11 to expedite the prosecution.

Accordingly, Applicants submit that the cancellations of claims 10 and 11 render moot this rejection under 35 U.S.C. § 112.

V. Claim Rejection Under 35 U.S.C. § 103

Claims 1, 2, 3, 6, 7, 8, 10, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 2941416B2 and Chinese Patent 1256954A.

Applicants have amended independent claims 1 and 6 solely to expedite the prosecution. Applicants assert that the current amendments to claims 1 and 6 render moot all outstanding claim rejections, because the combination of the cited arts fails to teach or suggest each and every element of the presently claimed invention.

To establish a *prima facie* case obviousness the cited references must disclose all of the claim limitations. *In re Royka,* 490 F.2d 981, 984 (CCPA 1974).

Independent claim 1, as amended, recites "adding a deodorizing effective amount of a composition that consists of an ascorbic acid analog ... into the production of a food material." Independent claim 6, as amended, recites "adding to a protein material a deodorizing effective amount of a composition that consists of an ascorbic acid analog and adding a secondary material." Applicants respectfully assert that the combination of Japanese Patent 2941416B2 and Chinese Patent 1256954A fails to teach or suggest the step of "adding ... a deodorizing effective amount of a composition that consists of an ascorbic acid analog" as recited in claims 1 and 6.

Specifically, Japanese Patent 2941416B2 does not teach or suggest the step of "adding a composition that consists of an ascorbic acid analog" because Japanese Patent 2941416B2 does not even suggest any ascorbic acid analog. Moreover, at paragraphs 11, 16 and 21 of the Office Action, the Examiner admits such a deficiency of Japanese Patent 2941416B2.

Chinese Patent 1256954A does not cure the deficiency of Japanese Patent 2941416B2 because Chinese Patent 1256954A is silent regarding adding any composition that consists of an ascorbic analog alone. Rather, Chinese Patent 1256954A teaches adding only a composite of ascorbic acid and ferrous compound in a solution. Page 4, lines 9-12 and Examples.

In fact, Chinese Patent 1256954A teaches away from "adding a composition that consists of an ascorbic acid analog." Chinese Patent 1256954A states,

> The filter agent of this invention has a small quantity of ascorbic acid, which can even more so maintain the active state of the ferrous ions, it can form a chelate with ammonia, and form Fe-S with sulfur-containing foul smells. Therefore, it has very high elimination efficiency of the foul smells of hydrogen sulfide and thiols. Page 5, lines 2-6.

Here, Chinese Patent 1256954A teaches that, while the ascorbic acid analog is used to increase the efficiency of the ferrous compound, it is actually the ferrous compound which is required to eliminate the hydrogen sulfide odor generated in a treatment of a protein material at a high temperature under elevated pressure. Thus, Chinese Patent 1256954A teaches away from "adding a composition that consists of an ascorbic acid analog" without the ferrous compound.

As pointed out in M.P.E.P. § 2141.02, "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)."

Moreover, even if Chinese Patent 1256954A does not teach away, one of ordinary skill in the art still would not be able to reach the claimed invention because none of the cited references

teaches or suggests the step of adding any composition that consists of an ascorbic analog alone as recited in claims.

Accordingly, Applicants respectfully submit that neither Japanese Patent 2941416B2 nor Chinese Patent 1256954A, alone or in combination, teaches or suggests all the claim limitations, either explicitly or inherently.

Furthermore, the Examiner states, "[i]t would have been obvious to a person skilled in the art at the time of the invention to have prepared a solution containing an ascorbic acid analog in order to control the hydrogen sulfide odor in the production of a food material." Page 4, *Office Action of May 13, 2009.* Applicants respectfully disagree.

Specifically, Applicants submit that there is no reason for one of ordinary skill in the art to modify the food material of Japanese Patent 2941416B2 to include the ascorbic acid-containing solution of Chinese Patent 1256954A.

As M.P.E.P. § 2143.01 states, "[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)." M.P.E.P. § 2143.01 instructs that "[t]he proposed modification cannot render the prior art unsatisfactory for its intended purpose" and that "[t]he proposed modification cannot change the principle of operation of a reference." Applicants respectfully assert that Japanese Patent 2941416B2 and Chinese Patent 1256954A can not be combined for the purpose of establishing obviousness of the subject matter at issue at least because the combination destroys the intended function thereof.

While Japanese Patent 2941416B2 discloses controlling an odor in a food material, Chinese Patent 1256954A discloses controlling an odor in a living environment by its filtering agent. *See* Page 1, line 1 of Chinese Patent 1256954A. Although the filtering agent of Chinese Patent 1256954A may directly contact with food, the filtering agent of Chinese Patent 1256954A is not intended to be added into the food. *See* Page 1, line 11. Specifically, Chinese Patent 1256954A is silent regarding any addition of the filtering agent into a food. Moreover, the ferrous compound in the filtering agent of Chinese Patent 1256954A comprises ferrous sulfate, ferrous chloride and ferrous nitrate, all of which are known to be hazardous if consumed. *See* Page 1, line 12. Furthermore, in Chinese Patent 1256954A, the filtering agent is preferred to be used with carrier materials, such as activated carbon, paper and fabric, all of which one of ordinary skill in the art would understand not to be consumed as a food. *See* Page 1, lines 14 and 16. Thus, addition of the filtering agent of Chinese Patent 1256954A to the food material would render the resulting product unsatisfactory for being consumed as a food material as intended by Japanese Patent 2941416B2.

Accordingly, Applicants respectfully submit that Japanese Patent 2941416B2 and Chinese Patent 1256954A can not be combined.

For the reasons set forth above, Applicants request that this rejection under 35 U.S.C. § 103 be reconsidered and withdrawn.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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